

REMARKS

Claims 1-6 and 10-14 were examined by the Office, and all claims were rejected in the final Office Action of June 17, 2009. With this response, claims 1-2, 4, 6, 10, 12 and 14 are amended. All amendments are fully supported by the specification as originally filed. Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

This response is submitted along with a Request for Continued Examination (RCE).

Specification

Applicant has amended the application by way of preliminary amendment submitted July 16, 2004 to include the Cross-Reference to Related Applications in the specification. Therefore, applicant respectfully requests that the objection to the specification be withdrawn.

Claim Rejections under 35 USC 103

In section 4, on page 3 of the Office Action, claims 1-6 and 10-14 are rejected under 35 U.S.C. § 103(a) as unpatentable over Miyashita (U.S. Patent No. 6,909,906) in view of Steele (U.S. Patent No. 6,201,534), and in further view of Lee (U.S. Appl. Publ. No. 2003/0016417). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, alone or in combination, because the cited references fail to disclose or suggest all of the limitations recited in claim 1. The cited references at least fail to disclose or suggest that the pointing device is configured to operate independent of a functionality of the existing electronic device, as recited in claim 1. Furthermore, claim 1 is amended to clarify that the electronic device is “an already existing electronic communication or player device.” Therefore, for at least this reason, claim 1 is not disclosed or suggested by the cited references.

The Office acknowledges on page 4 of the Office Action that Miyashita and Steele do not mention that the pointing device is configured to operate independently of a function of the already existing electronic device, and relies upon Lee for this teaching.

However, Lee does not disclose or suggest that the electronic device is a communication or player device, as recited in amended claim 1. Instead, Lee merely discloses a pointing and remote controlling device, and therefore is not compatible with Miyashita and Steele. See Lee paragraph [0001]. Therefore, Lee does not teach that the pointing device, i.e. a laser pointer,” is configured to operate independent of a functionality of the already existing electronic communication or player device, as recited in claim 1. Accordingly, for at least this reason, claim 1 is not disclosed or suggested by the cited references.

In addition, it would not be obvious for one of skill in the art to combine the device of Lee with the devices of Miyashita and Steele to arrive at the limitations recited in claim 1. Lee teaches a pointing device that can act as a laser pointer or a generic optical mouse. The main functionality of the device of Lee is to be the pointing device. The already existing device of Lee is the pointing device, and therefore it is not an auxiliary function as the pointing device is in claim 1. Even if one of skill in the art combines the teachings of Miyashita, Steele and Lee the limitations recited in claim 1 would not be the result.

Instead, Lee teaches away from the idea of the invention, since according to the invention performing the auxiliary function does not exclude the simultaneous operation of the main function, i.e. the mobile telephone may ring (and be answered) while using it as the pointing device. The phrase “configured to operate independent of a functionality of the existing electronic device” of claim 1 defines this feature. In contrast, Lee teaches switching between operation modes and operation of each mode separately, i.e. by selecting a first mode for operation of the first mode, and a second mode for operation of the second mode. See Lee paragraphs [0030]-[0031]. Therefore, Lee only discloses operation of the different modes one at a time, and not simultaneous as recited in claim 1. For at least the reasons discussed above, claim 1 is not disclosed or suggested by the cited references.


The claims rejected above, and depending from claim 1 are not disclosed or suggested by the cited references at least in view of their dependencies.

Conclusion

For all the foregoing reasons, it is believed that all of the claims of the application are now in condition for allowance and their passage to issue is earnestly solicited. The undersigned hereby authorizes the Commissioner to charge Deposit Account No. 23-0442 for any fee deficiency required to submit this response.

Respectfully submitted,

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